

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LANCE LANDRUM,

Plaintiff,

Case Number 08-15199-BC
Honorable Thomas L. Ludington

v.

VETERANS HOSPITAL ADMINISTRATION,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION TO DISMISS COMPLAINT, AND DISMISSING
COMPLAINT FOR LACK OF JURISDICTION**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on March 20, 2009. The magistrate judge recommends granting Defendant's motion to dismiss because Plaintiff's claims are within the exclusive jurisdiction of the Veterans Administration. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 6] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss complaint [Dkt. # 2] is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED FOR LACK OF JURISDICTION**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 17, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 17, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS